

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: November 9, 2004

TIME: 6:43 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager

Motion to Go Into Executive Session

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to go into executive session at 6:43 p.m. for the purpose of discussing strategies related to real estate negotiations and to also have in attendance Norman Khumalo, Assistant Town Manager; Ingrid Nilsson, Community Preservation Committee; Nancy Rosinski, Westford Land Preservation Foundation; Nellie Achinhead and Nick Pratt, Trust for Public Land. A polling of the Board: Jefferies-yes; Healy-Coffin-yes; Romeo-yes; Loiselle-yes; Silva-yes. The Board will reconvene to regular session at the end of the executive session to complete agenda items.

Reconvene to Regular Session

The Board reconvened to regular session at 7:40 p.m.

Open Forum

Paul Murray, Veterans Services, announced the Veterans Day ceremony will be observed on Thursday, November 11, 2004 at 11:00 a.m., at the Police Plaza. Murray also announced that the Westford Fire Fighters and the American Legion will host a ham and bean supper for the senior citizens on Saturday, November 20, 2004 at 5:00 p.m., at the Franco American Club.

Brian McNeil, Eagle Scout candidate, reported that he completed the preliminary project of a sign, flag pole, landscaping and lighting at the Veterans Memorial Complex.

Ledoux read a news release regarding Westford's opportunity to obtain the 286 acre East Boston Camps property currently owned by the Hyams Foundation. Ledoux stated that this has been an 11 month partnership with the Town, the Trust for Public Land and Westford Land Preservation Foundation. The Trust for Public Land will purchase the property for \$13.5M, and after funding has been assembled it will transfer the land to the Town. Ledoux also reported that he will be appointing a Global Use Committee with the Chairmen or their designee from the Board of Selectmen, Board of Health, Conservation Commission, Planning Board, Recreation Commission, Water Commission, Affordable Housing Committee, Community Preservation Committee, and Westford Land Preservation Foundation to reach a consensus by the end of November on the best use of the land. Nancy Rosinski, Westford Land Preservation Foundation, stated that they are a non-profit group with a goal to preserve land in Westford. Rosinski stated that they will be applying for three grants and will continue to look for non-profit funding as well as local fundraising. Residents interested in learning more about the project or to volunteer for fundraising can call Rosinski. Jefferies thanked George Fletcher for his attention to this property and for keeping the Town interested in a possible purchase.

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to support the Trust for Public Land concept of acquiring the East Boston Camps property and the attempt to purchase same.

Sam Frank, Chairman of the Zoning Board of Appeals, reported that the Town of Acton has opened its public hearing regarding the project known as "Woodlands at Laurel Hills" on Durkee Lane. Frank stated that the Acton ZBA is seeking a joint meeting with the Westford ZBA. Frank indicated that Westford ZBA will be discussing the joint meeting suggestion at the November 17th meeting. Frank asked the Board for written comments and for support of a joint boards meeting with the Selectmen, ZBA, and other land use committees in order to get a consensus on the project. The Board will discuss this matter at the November 23rd meeting. Romeo reported that a meeting has been tentatively scheduled with the Acton Affordable Housing Committee and the Westford Affordable Housing Committee. Romeo stated that the Affordable Housing Committee will provide comments after that meeting.

Public Hearing – Tax Classification for FY 05

Paul Plouffe, Principal Assessor and Diane Holmes, Board of Assessors, made a presentation to the Board regarding FY05 and Historical Data; 1991-2005 Growth; Department of Revenue Minimum Residential Factor Computation for FY05; FY04-05 Valuation Breakdown; Single Tax Rate; Split Tax Rate; Share Percentages Between Commercial and Residential; Classification Fact Sheet

FY05; Estimated Single Tax Rate; Estimated Taxes with Single Rate; Estimated Taxes with Split Rate; Residential Exemption; Residential Exemption Calculation of Tax 04-05; Small Commercial Exemption; Small Commercial Impact of 10%; Open Space Exemption and Discussion of Various Classification Scenarios.

Scott MacKay, 7 Crown Road, MacKay Hardware, stated that the Small Business Exemption helps small business owners. MacKay cited rising expenses. MacKay stated that the business community contributes to the schools. MacKay mentioned an article in the Lowell Sun regarding the Town of Littleton generating business. MacKay suggested re-establishing the Development and Industrial Commission to be ready when the Route 128 growth reaches Westford. MacKay urged the Board to foster business growth.

Amy Coull, 7 Banbury Drive, spoke in support of a single tax rate. Coull felt that it was unfair to shift the burden to commercial property owners.

Ed Thomas, 10 Snow Drive, asked the Board to consider a split tax rate because residents' assessments have gone up but business assessments have not risen. Thomas asked if Applebee's assessment had gone up. Plouffe stated that trends have been going down for small businesses. Plouffe addressed the impact on the tax levy.

Peter Mahler, 25 Vine Brook Road, was opposed to a split tax rate particularly if it burdens the small businesses. Mahler felt that the small businesses should get a tax break and noted that they contribute to the community.

Diane Holmes, Board of Assessors, felt that the split rate would punish business owners. Holmes, speaking as an individual, was in favor of a single tax rate.

Peter Severance, 3 Snow Drive, stated that he supports small business owners but that there is pressure on people's salaries. Severance pointed out that taxes are going up and many people are out of work or do not have children in the school system. Severance felt that there was a lot of inequity in the taxes.

Paul Murray, 4 Wiltshire Avenue, stated that the generosity of the small business community was overwhelming. Murray stated that if residents are concerned about taxes they should go to town meeting to look at spending and the budget.

Doug Fainelli, The Gutierrez Company, stated that they are seeing approximately 30% vacancies and that businesses are leaving Westford and going to other towns for better tax rates.

It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to adopt a single tax rate.

It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to not adopt the residential exemption.

It was moved by Romeo, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 OPPOSED (Silva), to adopt the small commercial exemption at 10%.

Selectmen to Discuss Water Commission Minutes with Chair of the Board of Water Commissioners

Leslie Thomas, Douglas Deschenes and Bob Carter, Water Commissioners, were present. Romeo stated that it has come to the attention of the Selectmen that the Water Commission minutes of September 8th refer to the Selectmen refusing to vote to disallow perchlorate blasting. Romeo referenced a letter from the Selectmen to the Board of Water Commissioners dated September 30, 2004 regarding the misstatement in the minutes. Romeo stated that the Selectmen were very clear as to the blasting and immediately solicited an opinion from Town Counsel regarding a stop blasting order. Romeo stated that Town Counsel told the Selectmen that the authority for a stop blasting order was the Board of Health not the Selectmen. Romeo stressed that the Selectmen never voted to disallow perchlorate blasting.

Thomas acknowledged the Selectmen's letter and stated that the Water Commissioners discussed the letter at their November 3, 2004 meeting. Thomas read an excerpt of the Water Commissioners' minutes. Thomas stated that the minutes accurately reflect the discussion and the Water Commissioners will not change in the minutes.

Loiselle clarified that he had asked if the Water Commissioners would waive the hook up fee in order to be as cost effective as possible. Thomas stated that water costs cannot be waived. Thomas stated that there are some fees that can be waived for non-profits or affordable housing. Thomas was concerned with setting a precedent. Loiselle also clarified that he made a motion to ban perchlorate blasting in Westford but the Fire Chief said that the Selectmen did not have the authority to do so.

Romeo stated that the Water Commissioners' minutes leave the public confused and misunderstandings continue as to what the Selectmen did. Loiselle stated that an easy resolution is that the future Water Commissioners' minutes reflect the Selectmen's letter and clarify that the Selectmen did not refuse to stop blasting; the Selectmen did not have the authority to do so.

Thomas felt that this matter should have been handled with the telephone call and not discussed in public. Thomas also felt that the groups should be more organized when items are brought to the table so that it is clear as to what will be discussed. Thomas informed the Selectmen that the Water Commissioners will discuss this matter at their next meeting.

Jefferies was very concerned that the Water Commissioners put in their minutes an action that the Selectmen did not do.

Selectmen to Discuss J.V. Fletcher Library Meeting Room Policy with Library Trustees

Ledoux reported that the Library Trustees had a meeting posting problem and will not be present tonight. Ledoux recommended speaking to the Library Director to work out the details regarding meetings going past 11:00 p.m. and the security of the building. The Board concurred.

Licenses and Permits

Request to hold Annual Menorah Lighting Event, Town Common, December 12, 2004 5:00 – 6:00 PM – It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.

Request to Utilize Town Common, Sunday, May 1, 2005 from 9:00 AM – 5:00 PM for Westford Road Race, Westford Charitable Foundation. Ledoux reported that the group has also requested permission to place a banner advertising the event. Ledoux further reported that there is a conflict with the common (banner for election) so Westford Road Race banner could be placed in front of the Roudenbush Center. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the use of the common and to place a banner in front of the Roudenbush Center.**

Review of Letter from Middlesex District Attorney's Office re: Tiki Lau, 335 Littleton Road, Westford, MA. Ledoux suggested inviting the Tiki Lau representatives to the license renewal meeting in December for a discussion. Silva asked if any other violations had occurred at the Tiki Lau.

Board Appointments/Reappointments

Tax Possession Sale Committee – Mary Caless – It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to appoint Mary Caless to the Tax Possession Sale Committee.

SLANT (Stepinski Land Acquisition Negotiating Team) – It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to reappoint Leslie Thomas, Bob Shaffer, Andrea Peraner-Sweet, Bob Carter, Jim Silva, Dini Healy-Coffin, Paul Alphen, David Murray, Christie Williams, and Michael Bonenfant.

Franklin Property

No report at this time.

Update on Perchlorate Issue

Ledoux referenced a letter from Town Counsel dated November 3, 2004 to Kenneth Winchester, 1 Emily Way, regarding an Agreement for Water Connection regarding the Town's willingness to provide a connection to the Town's water supply.

Minutes

It was moved by Romeo, seconded by Silva, and VOTED UNANIMOUSLY, to approve the minutes of September 7, 2004.

It was moved by Romeo, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to approve the Executive Session minutes of September 28, 2004 but NOT release to the public.

It was moved by Romeo, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 ABSTAINING (Healy-Coffin), to approve the minutes of September 28, 2004.

Board Reports/Updates

Comcast License Renewal – Silva reported that negotiations are continuing. The Communication Advisory Commission (CAC) and Comcast are nearing finalization. Silva stated that CAC will review the license renewal first and then it will be brought to the Selectmen for review and approval.

Northern Middlesex Council of Governments – Silva indicated that he will provide a report soon.

Old Business/New Business

Senior Citizen Wellness Committee – Ledoux reported that the Committee is down to three members. Ledoux asked if he should try to find more members or refer the committee to the Permanent Town Building Committee with Fred Magdalenski as liaison. The Board suggested that Ledoux talk to Karen Cavanaugh, Chairman of the Permanent Town Building Committee, to see if that Committee is acceptable to the task.

Tzikopoulos Property – Ledoux reported that the Board did not vote to not exercise the right of first refusal. **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to not exercise right of first refusal.**

Correspondence

11.1 Letter from Donald Barth, 46 Beaver Brook Road re: removal of trees on Beaver Brook Road. Ledoux stated that he would be scheduling a public hearing for November 23, 2004. Andrea Peraner-Sweet, Vice-Chairman of the Planning Board, stated that the Planning Board has conducting public hearings for tree removal. Ledoux stated that according to the statute, the public hearings are held by the Selectmen.

Executive Session

The Board voted at 9:40 p.m. to go into Executive Session for the purpose of discussing legal strategies relative to 52 Beaver Brook Road and to discuss collective bargaining with the Westford Superior Officers. A polling of the Board: Jefferies-yes; Healy-Coffin-yes; Romeo-yes; Loiselle-yes; Silva-yes. **It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to invite Andrea Peraner-Sweet, Scott Hazelton and Diane Holmes of the Affordable Housing Committee and Christine Pude, Housing Authority Director, to be present during the 52 Beaver Brook Road discussion.** The Board to reconvene to regular session for the purpose of adjourning only.

Reconvene to Regular Session

The Board reconvened to regular session at 10:10 p.m.

Open Items

11/9-1 Board to discuss Woodlands at Laurel Hills project on 11/23.

11/9-2 Ledoux to speak to Ellen Rainville re: meetings at Library going past 11:00 p.m.

11/9-3 Ledoux to invite representatives from Tiki Lau to license renewal meeting in December.

Adjournment

It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman